

**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

CIVIL MINUTES

Case No. **CV 08-397-BR**

Date: **June 3, 2011**

Case Title: **James et al v. Signature Group Holdings, Inc., et al**

Presiding Judge: **Anna J. Brown**

Courtroom Deputy: **Bonnie Boyer**

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DOCKET ENTRY: Order

On June 2, 2011, the Court held an informal conference with counsel to discuss the Court's concerns about several unresolved issues identified in the Joint Proposed Pretrial Order (#127) of the parties. In the course of the conference, the Court proposed to counsel that all issues relating to Plaintiffs' "TILA rescission" claims be bifurcated and set aside for development and resolution after a trial on the merits of Plaintiffs remaining claims for fraud and breach of contract against Defendant SGH. The Court adjourned the conference directing counsel to evaluate the bifurcation proposal. On June 3, 2011, the Court conducted a telephone conference on the record with all counsel at which all parties confirmed their agreement to bifurcate from the upcoming pretrial and June 15, 2011 trial process all issues relating to Plaintiffs' "TILA rescission" claims.

Accordingly, the Court **ORDERS** bifurcated and set aside for further development and resolution after trial on the merits of Plaintiffs' remaining claims the "TILA rescission" claims and all issues related thereto, including whether, in order to prove a TILA violation against Defendant HSBC, Plaintiffs must show a TILA violation was "apparent on the face" of the operative documents when they came to HSBC's notice as part of an assignment and whether HSBC was ever put on sufficient notice by Plaintiffs' pleadings or otherwise that Plaintiffs sought to pursue such a claim against it in this action.

The Court, therefore, declines to adopt the Joint Proposed Pretrial Order (#127) submitted by the parties. Instead, the Court directs the parties to submit **no later than June 6, 2011**, a Second Joint Proposed Pretrial Order to frame all issues related to Plaintiffs' fraud and breach of contract claims for purposes of the June 15, 2011, jury trial of only those issues. The Court encourages the parties to include in this proposal an "agreed facts" section that helps to orient the jury efficiently to the issues they will need to decide, and when possible, to state their agreement as to the relevant elements of claims and defenses that will be tried. The parties shall also file on **June 6, 2011**, a jointly proposed form of Verdict specifying the issues the jury must decide for this trial.

cc: () All counsel

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Civil Minutes
Hon. Anna J. Brown

(Civil CaseMgt MO.wpd)

Finally, the new deadline for submission of all pretrial documents for the June 15, 2011, trial is **June 8, 2011**. The Pretrial Conference is reset to **June 10, 2011, at 2:00 p.m.** To the extent additional pretrial-conference time is needed at the conclusion of the June 10 session, the Court will continue the conference to June 14, 2011, and the parties shall plan accordingly.

cc: () All counsel

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Civil Minutes
Hon. Anna J. Brown

(Civil CaseMgt MO.wpd)